

AGENDA



Thursday, November 29, 2007

**Item(s) from Council
RECOMMENDATION FOR COUNCIL ACTION****Item No. 40**

Subject: Approve an ordinance amending Chapter 14-4 of the City Code relating to sidewalk cafes and amending the 2007-08 Fee Schedule in Ordinance No. 20070910-008 to add a sidewalk café application fee.

Sponsor: Mayor Will Wynn

Co-Sponsor 1: Council Member Brewster McCracken

Co-Sponsor 2: Mayor Pro Tem Betty Dunkerley

This action implements Senate Bill 952 ("S.B. 952") and amends other portions of the current ordinance.

S.B. 952 was passed by the 80th Legislature and became effective on June 15, 2007. It expands the area that can be considered the "licensed premise" for mixed beverage permit holders who also have a food and beverage certificate from the Texas Alcoholic Beverage Commission. Prior to S.B. 952, alcohol service for a sidewalk café located on a public sidewalk had to be contiguous to the restaurant structure. Now, the alcohol service area for a sidewalk café located on a public sidewalk may also include the area across a public right of way, resulting in an expanded "licensed premise". (See sample sketch in back up materials) As a result, this amendment repeals and redefines a "sidewalk café".

This action further amends the City's current ordinance. The amendments include: adding the requirement that the licensee post a sketch of the licensed premise; increasing the number of tables allowed under this form of license agreement; adding the requirement that the licensed premise must be secured by "removable balustrades, planters, or appurtenances" if alcohol is served; modifying the application requirements; and increasing the potential term of an agreement created under this Chapter.

The 2007-08 Fee Schedule is amended to include an application fee specific to sidewalk cafes in the amount of \$100. For a one year application under the current ordinance the application fee is \$35.